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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 01-033)

In the Application of:

Sarah S. Bacus

Serial No.: 09/760,120

Filing Date: January 12, 2001

For: Method for Quantitating a Protein
By Image Analysis



Examiner:

Group Art Unit: 1641

TECH CENTER 1600/2900

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TRANSMITTAL LETTER

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:
 - a) Information Disclosure Statement;
 - b) PTO Form 1449; and cited references
 - c) Return postcard
2. With respect to fees:
 - a) No fees are required
 - b) Please charge any underpayment or credit any overpayment our Deposit Account, No. 13-2490.

3. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1, are being deposited with the United States Postal Service with sufficient postage Express Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231 on April 15, 2002

Respectfully submitted,

Kevin E. Noonan
Registration No. 35,303

Date: 15 April 2002

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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. Section 1.97 - 1.99, the Applicant wishes to make the following references of record in the above-identified application. This Information Disclosure Statement is in compliance with the continuing duty of candor as set forth in 37 C.F.R. Section 1.56. Copies of the references cited below are enclosed. These references are also listed on the enclosed PTO Form 1449.

In the judgment of the undersigned, portions of the listed references may be material to the Examiner's consideration of the presently pending claims. This statement is not a representation that the listed references have effective dates early enough to be "prior art" within the meaning of 35 U.S.C. Section 102 or Section 103.

Applicants do not believe any fee is due with this submission. If this belief be in error and the Patent Office determines that the fee prescribed in the relevant portion of 37 C.F.R. Section 1.97 is applicable, the undersigned representative by his signature hereby authorizes any such fee to be debited from Deposit Account 13-2490.

U.S. Patent Documents

6,165,734 Garini et al. December 26, 2000

5,998,151 Johnston et al. December 7, 1999

5,202,931 Bacus James April 13, 1993

5,514,554 Bacus Sarah May 7, 1996



Foreign Patent Documents

WO 00/23799 A Smith, Steven April 27, 2000

EP 0378 383 Univ. Arizona July 18, 1990

WO 93 03741 Yeda Res. & Dev. March 4, 1993

Other Documents

Arteaga et al., "P^{185c}-erbB-2 Signaling Enhances Cisplatin-induced Cytotoxicity in Human Breast Carcinoma Cells: Association between an Oncogenic Receptor Tyrosine Kinase and Drug-induced DNA Repair", 1994, Cancer Res., 54:3758-65.

Bacus et al., "Potential use of Image Analysis for the Evaluation of Cellular Predicting Factors for Therapeutic Response in Breast Cancers", Analytical and Quantitative Cytology and Histology, vol. 19 no. 4, August 1997, pages 316-328.

Bacus et al., "HER-2/neu oncogene expression, DNA ploidy and proliferation index in breast cancer", Analytical and Quantitative Cytology and Histology", vol. 14, no. 6, 1992 pages 433-445.

Bacus et al., "HER-2/NEU Oncogene Expression and DNA Ploidy Analysis in Breast Cancer", American Journal of Pathology, vol. 114, no. 2, 1990, pages 164-169.

Bacus et al., "HER-2/Neu oncogene expression and proliferation in breast cancer", American Journal of Pathology, vol. 137, no. 1- July 1990.

Cobleigh et al., "Multinational Study of the Efficacy and Safety of Humanized Anti-HER2 Monoclonal Antibody in Women Who Have HER2-Overexpressing Metastatic Breast Cancer That Has Progressed After Chemotherapy for Metastatic Disease", 1999, J. Clin. Oncol. 17:2639-48.

Hancock et al., "A Monoclonal Antibody against the c-erbB-2 Protein Enhances the Cytotoxicity of cis-Dianninedichloroplatinum against Human Breast and Ovarian Tumor Cell Lines", 1991, Cancer Res. 51:4575-80.

Kraus et al., "Isolation and Characterization of ERBB3, a third member of the ERBB/epidermal growth factor receptor family: Evidence for overexpression in a subset of human mammary tumors", 1989, Proc. Natl. Acad. Sci. U.S.A. 86:9193-97.

Lowry et al., "Protein Measurement with the Folin Phenol Reagent", 1951, J. Biol. Chem. 193:265-275.

Mendelsohn, "The epidermal growth factor receptor as a target for therapy with antireceptor monoclonal antibodies" 1990, Semin. Cancer Biol. 1:339-44.

Muss et al., "c-erbB-2 Expression and Response to Adjuvant Therapy in Women with Node-Positive Early Breast Cancer", 1994, N. Engl. J. Med. 330:1260-66.

Peles et al., "Oncogenic Forms of the Neu/HER2 Tyrosine Kinase are Permanently Coupled to Phospholipase Cy", 1991, EMBO J. 10:2077-86.

Peles et al., "Isolation of the Neu/HER-2 Stimulatory Ligand: A 44 kd Glycoprotein That Induces Differentiation of Mammary Tumor Cells", 1992, Cell 69:205-16.

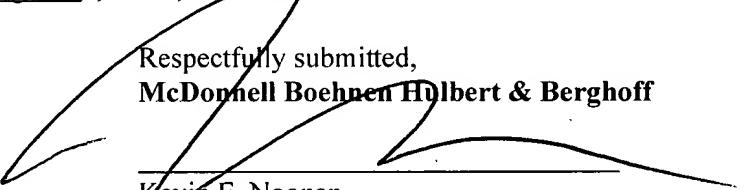
Pietras et al., "Antibody to HER-2/neu receptor blocks DNA repair after cisplatin in human breast and ovarian cancer cell", 1994, Oncogene 9:1829-38.

Van Diest et al., "Quantitation of HER-2/neu oncoprotein overexpression in invasive breast cancer by image analysis: a study comparing fresh and paraffin-embedded material", Analytical Cellular Pathology, vol. 3, no. 4, 1991, pages 195-202.

Vincent et al., "Anticancer efficacy of the Irreversible EGFr Tyrosine Kinase Inhibitor PD 0169414 Against Human Tumor Xenografts", 2000, Cancer Chemother. Pharmacol. 45:231-38.

Respectfully submitted,
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